



## **Case Summary**

Myron Huffman appeals the trial court's order dissolving his marriage to Marcia Huffman and dividing the marital estate. We affirm.

### **Issue**

The sole restated issue for our review is whether the trial court abused its discretion in dividing the marital estate.

### **Facts**

Marcia and Myron Huffman were married in November 1970. The following year, they both became involved in buying and selling antique collectibles from the late 1800's and early 1900's. When the Huffmans moved into a new home in 1976, they brought two eighteen-foot trucks full of collectibles with them. The collectibles were displayed throughout their home, which had a museum-like atmosphere. Marcia remained involved in buying and selling the collectibles until her second and third children were born in 1979 and 1980. At that time, she began spending her time at home with the children while Myron continued to buy and sell collectibles for the Huffman's inventory as well as their private collection.

Between 1974 and 1989, Myron and Marcia spent approximately \$210,000.00 on the purchase of collectibles. Their private collection of collectibles was displayed throughout their 2400 square foot home in the living room, kitchen, bedrooms, bathroom, and utility room. The Huffmans also displayed their collectibles in a mock turn of the century general store set up in one-half of their full basement.

During an annual family Christmas gathering in 1998, Myron's sister, Ardala, and

her daughter, Candice, noticed that the display of collectibles was slightly smaller than in past years. Also, during late 1998 and early 1999, Marcia noticed that items were disappearing out of the displays on a daily basis. She also noticed that Myron was boxing up collectibles as if to store rather than sell or mail them. Marcia consulted an attorney, who advised her to videotape and/or photograph the existing collection. In March 1999, Marcia, Ardala, and Candice spent a day videotaping the collection.

Marcia, who had gone back to college when her children got older, completed her college degree and began teaching in August 1999. One month later, she filed a petition for dissolution. When she moved out of the house that same day, she, Ardala, and Candice took photographs that show that virtually the entire collection had been removed from the residence. Specifically, shelves were empty, the basement was empty, and nails were left hanging on the walls.

In her petition, Marcia contended that Myron had several thousand collectibles with a value of \$1,116,306.00 in his possession. She asked the court to find that the collection was in Myron's possession and to include them in the marital estate. She also asked the court to award her attorney fees. Myron, on the other hand, alleged that there were only 53 remaining collectibles, which had a combined value of \$1,466.00. He explained that he had liquidated their collection to pay living expenses and college tuition for his children.

The evidence presented at a hearing on the petition revealed that Myron and Marcia had an inventory of collectibles as well as their own private collection. The inventory consisted of items that were bought for the purpose of resale whereas the items

in the collection were purchased for the purpose of keeping, displaying, and later selling to fund their retirement. Myron purchased only the highest quality pieces for the couple's private collection, which included both hard to find and one-of-a-kind items.

Myron treated the pieces in the private collection "like his babies." Tr. p. 15. No one was allowed to touch the displayed items. Marcia was not even allowed to dust them. Myron did not like to have guests, including his children's friends, in his home because he was concerned that the collectibles would be taken. Marcia complained that Myron "valued his tins more than he valued his children having friendships." Id. at 52.

When Myron was laid off work for more than a year in the early 1980's, and Marcia was unemployed, they paid the bills by buying and selling inventory. None of the private collection was sold. According to Ardala, all that Myron cared about was his collection. Marcia testified that Myron would never part with his collection, and that it was in his possession and control at the time of the hearing. She further testified that the parties had paid their children's college expenses by buying and selling their inventory, not their private collection.

Also at the hearing, antiques collector Steve Lefebvre estimated that Myron's private collection was worth approximately \$1,000,000.00. According to Lefebvre, Myron was well known in the antique collecting community, and the best way to liquidate a collection like his would be a high profile auction that would attract bidders from throughout the United States. Lefebvre further testified that some of Myron's pieces were so rare that word would have gotten out in the collector's community had they been sold, but there was no such evidence that they had been.

Further testimony revealed that in April 1999, an article about Myron and his collection appeared in the local newspaper. The article noted that Myron had been collecting for over forty years and had “amassed a huge slice of Americana.” Dissolution Decree, p. 6. In the article, Myron was quoted as saying that he was “always on the lookout for things of historical interest,” and that to him, “collecting was a natural urge.” Id. The article also contained a photograph of Myron with a display of manufacturer’s nameplates, which were designed to attach to horse-drawn vehicles as well as several tins. The photograph’s caption stated that Myron had more than 2000 such nameplates.

Myron, on the other hand, testified that he liquidated his collection over an eight to nine-year period to pay living expenses as well as his children’s college expenses. Specifically, Myron testified that he spent approximately \$25,000.00 for his oldest son’s college education from 1990 to 1994, and approximately \$52,000.00 for his two youngest children’s education in the late 1990’s. Testimony also revealed that Myron had been a draftsman at International Truck and Engineers Corporation (formerly International Harvester) for over thirty years. From 1995 to 1998, his salary increased from \$68,000.00 per year to \$88,000.00 per year.

During cross-examination, Myron admitted that although he knew when he purchased each item, and how much he paid for it, he had no records and could not recall when he sold each item, who purchased it, or the purchase price. In addition, Myron’s 1996 through 1999 tax returns did not show any profit or loss from the sale of any items. When asked whether he lied to the government on his taxes or to the court, Myron responded that he had lied on his tax forms. He also admitted that he knew that his

marital problems were worsening after unsuccessful marital counseling in 1998, and he suspected that his wife would leave him when she received her college degree in 1999.

The trial court found Marcia's "testimony and contentions regarding the status of the parties' collection as of September 24, 1999, to be very credible," and Myron's "testimony and contentions regarding the status of the parties' collection as of September 24, 1999, completely lacking in credibility." Id. at 5. Specifically, the trial court pointed out that the March 1999 videotapes showed a large collection of items, which were in excellent condition. Further, the April 1999 newspaper article described a huge collection that Myron was looking to expand. According to the court, nothing in the article would lead anyone to believe that Myron was in the process of liquidating the collection or that there would be nothing left of it within five months.

The court further pointed out that Myron had absolutely no records or documentation regarding the sale of collectibles during the time period between December 25, 1998, and September 24, 1999. In addition, Myron's tax returns for 1995 through 1999 do not report any income from the sale of collectibles.

Based upon the evidence presented at the hearing, the trial court concluded that the collection was in Myron's possession. Further, relying on Marcia's valuation, the court valued the collection at \$973,215.00. The total value of the marital estate was \$1,305,351.00, which the trial court equally divided between the parties. In its Dissolution Decree, the trial court ordered Myron to deliver to Marcia specific items from the collection with a value of \$312,490.00.

The court also ordered Myron to pay Marcia's attorney fees. Specifically, the

court explained as follows:

The large amount of attorney fees incurred by [Marcia] in this case was primarily the result of [Myron's] misconduct in removing the parties' collection from the marital residence in 1998 and 1999, and continuing to hide the collection from [Marcia] during the pendency of this case. [Myron] will be ordered to pay all of [Marcia's] attorney fees in this matter as a result of his misconduct, and greater earning capacity.

Id. at 13. Myron appeals.

### **Analysis**

The division of marital assets lies within the sound discretion of the trial court. Trost-Steffen v. Steffen, 772 N.E.2d 500, 504-05 (Ind. Ct. App. 2002), trans. denied. An abuse of discretion occurs if the trial court's decision is clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom. Id. at 505. As a reviewing court, we may not reweigh the evidence or assess the credibility of witnesses. Id. We consider only the evidence most favorable to the trial court's disposition of the marital property. Id.

Myron argues that the trial court erred in dividing the marital estate. Specifically, he contends that there is no evidence that he has the million-dollar collection in his possession or that it even exists. Rather, according to Myron, the evidence supports his testimony that he sold the collection.

However, our review of the record of the proceedings reveals that Marcia and Myron began collecting antiques in 1971. By 1976, they had enough collectibles to fill two eighteen-foot trucks. By 1989, they had spent approximately \$210,000 on the collectibles, which they displayed throughout their 2400 square-foot home and one-half

of their full basement. Ten years later, when Marcia began noticing that collectibles were disappearing, she videotaped the collection. At the time, the collection still filled the house with antique pieces that were in excellent condition. The following month, an article about Myron and his collection appeared in a local newspaper. Myron told the reporter that he was always on the lookout for things of historical interest.

Further testimony revealed that Myron treated the pieces in his collection, many of which were hard to find or one-of-a-kind, like his “babies.” Tr. p. 15. No one was allowed to touch the items, and Myron did not like having guests in the home. When Myron was laid off work for more than a year in the early 1980's, and Marcia was unemployed, Myron did not sell any of the pieces in the private collection.

In addition, antiques collector Steve Lefebvre testified that some of Myron's pieces were so rare that word would have gotten out in the collector's community had they been sold. Myron had no records documenting the sale of any of the pieces, and his tax returns for 1995 to 1999 do not report the sale of any collectibles.

By the end of September 1999, around the time that Myron expected that Marcia would leave him, Myron's entire collection had disappeared from the house, packed in storage boxes. This evidence supports the trial court's conclusion that the collection is in Myron's possession, and we find no abuse of the trial court's discretion. Myron's argument is nothing more than an invitation for us to reweigh the evidence, which we



cannot do. See Trost-Steffen, 772 N.E.2d at 505.<sup>1</sup>

### **Conclusion**

The trial court did not abuse its discretion in dividing the marital estate. We affirm.

Affirmed.

BAILEY, J., and VAIDIK, J., concur.

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<sup>1</sup> Myron also argues that the trial court erred in ordering him to pay Marcia's attorney fees because the "record is devoid from any evidence that [he] is hiding the collection or, in part, that it currently exists. It is impossible to hide something that does not exist." Appellant's Br., p. 10. However, because we have found sufficient evidence to support the existence of the collection, this argument fails.